

1 PETER GOODMAN
Attorney at Law
2 State Bar No. 65975
400 Montgomery Street, Second Floor
3 San Francisco, California 94104
Telephone: (415) 781-8866
4 Facsimile: (415) 781-2266
E-Mail: goodmanlawoffice@att.net

5 Attorney for Defendant
6 MICHAEL TOMADA

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION
10

11 UNITED STATES OF AMERICA,)	CR-14-0285 JST
12 Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
13 vs.)	VACATING STATUS CONFERENCE DATE
14 JEREMY DONAGAL, et al.,)	AND SETTING NEW DATE FOR FURTHER
15 Defendants.)	<u>STATUS CONFERENCE</u>
16)	
17)	

18 The United States of America, by its attorneys, Brian Stretch, Acting United
19 States Attorney, and Assistant United States Attorney ("AUSA") Kevin Barry, and
20 defendant MICHAEL TOMADA, by his attorney, Peter Goodman, hereby submit this
21 Stipulation and [Proposed] Order requesting that the June 10, 2016, date currently set
22 for the defendant to appear before this Court for a Status Conference be vacated and
23 that the case be continued to July 1, 2016, at 9:30 a.m. in Oakland for a further Status
24 Conference.

25 The parties hereby stipulate and agree to the following:

26 1. On May 22, 2014, an eleven count indictment was returned in this matter
27 against seven defendants, including defendant TOMADA. Counts I and III respectively
28 charge the defendant with conspiring to possess and possessing with the intent to

1 distribute alprazolam and other controlled substances in violation of 21 U.S.C. §§846
2 and 841(a)(1).

3 2. Counsel for defendant TOMADA has been subpoenaed to testify at an
4 evidentiary hearing on June 10, 2016, at 9:30 a.m. in the matter of *United States v.*
5 *Cervantes*, CR-12-0792 YGR. Counsel is also representing a government witness
6 who is expected to testify at the same hearing. Because the Status Conference in
7 this matter is scheduled for the same date and time, the parties are requesting that
8 the Status Conference be continued to July 1, 2016, at 9:30 a.m before this Court.

9 3. The parties further stipulate and agree that time be excluded under the
10 Speedy Trial Act pursuant to 18 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) from June
11 10, 2016, to July 1, 2016, to assure the continuity of defense counsel and that the
12 exclusion of time agreed to herein is in the interests of justice and will serve to ensure
13 effective assistance of counsel for defendant TOMADA.

14 SO STIPULATED

15 DATED: June 8, 2016

16 BRIAN STRETCH
17 United States Attorney

18 By: /s/
19 KEVIN BARRY
20 Assistant United States Attorney

21 SO STIPULATED

22 DATED: June 8, 2016

23 /s/
24 PETER GOODMAN
25 Attorney for Defendant
MICHAEL TOMADA

26 ///

27 ///

28 ///

1 ORDER VACATING STATUS CONFERENCE DATE AND
2 SETTING NEW DATE FOR FURTHER STATUS CONFERENCE

3 Based on the stipulation of the parties and good cause appearing therefor,
4 IT IS HEREBY ORDERED that the June 10, 2016, date currently set for defendant
5 TOMADA to appear before this Court for a Status Conference is vacated and the
6 matter is continued to July 1, 2016, at 9:30 a.m. for a further Status Conference. IT IS
7 FURTHER ORDERED that time be excluded under the Speedy Trial Act pursuant to
8 18 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) from June 10, 2016, through July 1, 2016,
9 in the interests of justice to ensure the continuity of counsel. The Court finds that the
10 ends of justice served by granting the continuance outweigh the best interests of the
11 public and the defendant in a speedy trial.

12 DATED: June 8, 2016

13
14 
15 _____
16 JON S. TIGAR
17 UNITED STATES DISTRICT COURT JUDGE
18
19
20
21
22
23
24
25
26
27
28